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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,757 08/09/99 MACFARLANE

I 6270/34

EXAMINER

000757 MM91/0727  
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ART UNIT

PAPER NUMBER

2862  
DATE MAILED:

07/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/370,757**

Applicant(s)  
**I.ROSS MACFARLANE**

Examiner  
**Anthony Jolly**

Art Unit  
**2862**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 9, 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,6, 20) ☐ Other: \_\_\_\_\_

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Art Unit: 2862

### **DETAILED ACTION**

1. This application currently names joint inventions. In considering patentability of the claims under 35 U.S.C. 103 (a), the examiner presumes that the subject matter of the variations claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Application is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C.103 (c) and potential 35U.S.C.102(f) or (g) prior art under 35 U.S.C.103(a).

#### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

It is noted that this application appears to claim subject matter disclosed in prior copending Application No. , filed . A reference to the prior application must be inserted as the first sentence of the specification of this application if applicant intends to rely on the filing date of

Art Unit: 2862

the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). Also, the current status of all nonprovisional parent applications referenced should be included. See page 1 of specification.

4. The microfiches listed on page 2 of the specification are missing.

5. In the specification on page 10 lines 26-27 the reference to U.S. Pat. Application Ser. No. and file date are missing.

6. The attempt to incorporate subject matter into this application by reference to the American National Standard for Electric Meters-Code for Electrically metering (ANSI) listed on pages 7 and 8 of the specification is improper. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Drawings*

6. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2862

7. Claims 1- 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation set forth in line 5 of claim 1, the phrase "a variable context" is indefinite because it is unclear as to what a variable context means in relationship to the revenue meter. The recitation set forth in line 8 of claim 1, the phrase "a context adaptable input device" is indefinite because it is unclear as to what a context adaptable input device means in relationship to the revenue meter .

The claims not specifically addressed share the indefiniteness as they depend from the rejected base claim 1.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1,2 and 10-12 are rejected U.S.C.102 (e) as being anticipated by Lerner (US6,049,791).

Lerner discloses a revenue meter for measuring the delivery of electrical energy from an energy supplier to a consumer through an electric circuit. Regarding claim 1, Lerner discloses a display (fig.1 element 22), which is equivalent to a graphic user interface connected with the

Art Unit: 2862

revenue meter (fig.1 element 14) the display (fig.1 element 22) providing a variable context (see fig.4,col.3 lines 46-60). The encasement (fig.1 element 20),similar to the meter cover operative to enclose the revenue meter (fig.1 element 14) and the display (fig.1 element 22). Furthermore, Lerner discloses a keypad (fig.1 element 50) input device located on the encasement (fig.1 element 20) and connected with the revenue meter (fig.1 element 14), the variable function input device (Col.3 lines 46-60,col.4 lines 8-24) being operative to interact with the variable context display (fig.1 element22,col.3 lines 46-60) interface without removing the encasement (fig.1 element 20).

Referring to claim 2, Lerner discloses a context adaptable input device comprises a keypad (fig.1 element 50).

Referring to claim 10, Lerner disclose a plurality of display switches (fig.1 element 26), similar to intermediate actuator to mechanically connect (see fig.2,col.4 lines 17-20) the keypad (fig.1 element 50) with the display (fig.1 element 22) of the electric meter (fig.1 element 14).

Referring to claim 11, Lerner discloses the keypad (fig.1 element 50) further includes a web portion (see fig.2) which allows a plunger of the keypad (fig.1 element 50) to move in a direction generally perpendicular to keypad (see fig.2,col.4 lines 10-23).

Referring to claim 12,Lerner disclose keypad (fig.1 element 50) is elastic (see fig.2),appears to be made of elastic.

Art Unit: 2862

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lerner.

Referring to claims 3-9, given their every day usage (wide spread), one of ordinary skilled in the art would have understood that they may have used a touch screen; a mouse;a track ball;a light pen; a membrane switch; a joystick; and a dial in lieu of a keypad. These were all well known equivalents to the keypad. While Lerner lacks an explicit teaching of a touch screen; a mouse; a track ball;a light pen; a membrane switch; a joystick; and a dial,this reference in figure 1 element 50 in column 4 lines 11-12 states a “keypad is also for allowing manual control of the display”. Hence, to use these devices mentioned above monitored by Lerner would have been obvious to one of ordinary skill in the art in view of the teaching set forth in column 4 lines 11-12 Lerner. The skilled artisan would be motivated to use all these devices mentioned above to achieve maximum results.

8. Claims 13-19 are rejected under 35 U.S.C.103 (a) as being unpatentable over Lerner in view of Obear (US5,021,763).

Referring to claims 13,14 and 19, Lerner disclose a keypad (fig.1 element50) to said meter cover (fig.1 element 20). Lerner fails to disclose a compression plate operative to compress the

Art Unit: 2862

keypad to the meter cover, to provide the water tight seal. However, Obear discloses a compression plate (fig.9 elements 108,110) operative to compress the keypad to the meter cover, to provide the water tight seal (Col.10 line 15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Lerner by incorporating a compression plate and a water tight seal as taught by Obear because it provides safety and durability and improves waterproof impermeable.

Referring to claim 15, Lerner disclose the revenue meter (fig.1 element 14) is programmed to scoll through a series of preset displays (see fig.4) and wherein a user (Col.4 lines 35-52) may use the context adaptable input device (fig.1 element 50) to interrupt the scrolling.

Referring to claim 16, Lerner discloses the revenue meter (fig.1 element 14) is programmed such that the user (Col.4 lines 35-52) can scroll through one or more previously displayed screens (see fig.4) in the revenue meter using using the adaptatable input device (fig.1 element 50).

Referring to claim 17, Lerner discloses keypad (fig.1 element 50) comprises keypad buttons (Col.4 lines 35-52).

Referring to claim 18,Lerner discloses the meter cover (fig.1 element 22) includes alignment means (see fig.2) for aligning the context adaptable input device (fig.1 element 50) to the switches (fig.1 element 26).

9. Claims 20- 22 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lerner in view of Power Measurement limited.



Art Unit: 2862

Referring to claim 20, Lerner disclose a revenue meter (fig.1 element 14).But Lerner fails to express bayonet terminals disposed on the revenue meter mateable with matching jaws of a detachable meter mounting device; and seal connected between the revenue and detachable meter mounting device, the seal operative to prevent removal of the revenue meter and indicate tampering with the revenue meter. Power Measurement limited, disclose bayonet terminals (see fig.1) disposed on the revenue meter mateable with matching jaws (see fig.1) of a detachable meter mounting device (see fig.1) and a seal (see fig.1) connected between the revenue and the detachable meter mounting device (see fig.1), the seal ( see fig.1) operatively to prevent removal of the revenue meter and indicate tampering with the revenue meter (see fig.1). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Lerner by incorporating these devices as taught by Power Measurement limited because it provides long term reliability and durability.

Referring to claim 21,Lerner discloses revenue meter (fig.1 element 14) and meter cover (fig.1 element 20); a display (fig.1 element 22);terminal (Col.3 lines 55-60). A terminal cover (Col.3 lines 60-65) for covering the terminals. But Lerner fails to disclose the terminal disposed on a bottom side of the revenue meter for coupling the revenue meter with the electric circuit; a first seal connected with the meter cover and operative to prevent removal of the meter cover. However, Power measurement limited discloses the terminal disposed on a bottom side of the revenue (see fig.2) for coupling the revenue meter with the electric circuit (see fig.1) a first seal connected (see figs.1,2) connected with the meter cover and operative to prevent removal of the

Art Unit: 2862

meter cover (see fig.1,2). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Lerner by incorporating all the devices as taught by Power Measurement limited because it provides long term reliability and durability.

Referring to claim 22, Lerner discloses a revenue meter (fig.1 element 14) and meter cover (fig.1 element 20); a display (fig.1 element 22). Lerner fails to disclose a draw-out chassis coupled with the revenue meter and operative to fit within a switchboard enclosure. Terminals disposed on the chassis for engaging matching terminals within the enclosure. A seal connected with the meter cover and operative to prevent removal of the meter cover and indicate tampering with the revenue meter. Power Measurement limited, disclose terminals disposed on the chassis (see fig.3) for engaging matching terminals within a switchboard enclosure (see fig.3). Terminals disposed on the chassis (see fig.3) for engaging matching terminals within the enclosure (see fig.3). A seal (see fig.3) connected with the meter cover and operative to prevent removal of the meter and indicate tampering with the revenue meter (see fig.3). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Lerner by incorporating all the devices as taught by Power Measurement limited because it provide an electrically safe interface for the circuit and safety protection for the user.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Jolly, Patent Examiner Art Unit 2862, whose telephone number is

Art Unit: 2862


(703) 308-7607. The examiner can normally be reached on Monday through Friday from 7:00a. to 3:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
aj

July 20, 2001

  
Safet Metjahic  
Supervisory Patent Examiner  
Technology Center 1200